



**CITY OF SUNNYVALE
REPORT
Planning Commission**

July 26, 2004

SUBJECT: **2004-0257 – Brad King & Keith Jackson [Applicant] Four Square Gospel International Church:** Application for a 36,337 square foot site located at **127 North Sunnyvale Avenue** in an R-2 (Low Medium Density Residential) Zoning District (APN: 204-49-012);

Introduction of an Ordinance Rezoning from R-2 (Low Medium Density Residential) Zoning District to R-2/PD (Low Medium Density Residential/Planned Development) Zoning District.

Motion Special Development Permit to allow the development of 10 new town homes.

Motion Tentative Map for the subdivision of one lot into 10 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Church

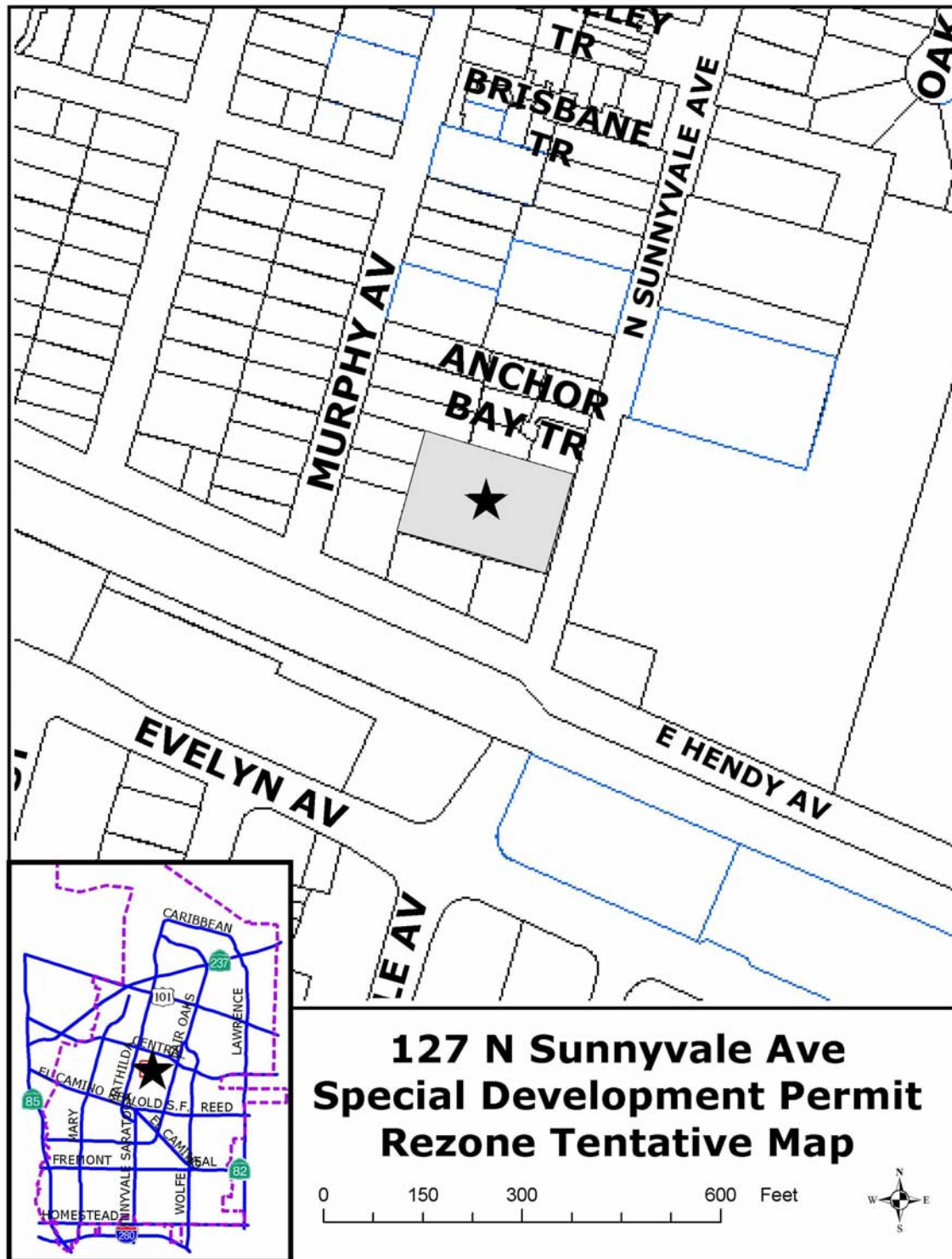
Surrounding Land Uses

North	Single Family Homes
South	Auto Repair Shop
East	Industrial
West	Single Family Homes

Issues Compatibility

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Medium Density	Same	
Zoning District	R-2	R-2/PD	---
Lot Size (s.f.)	36,337	Approx. 1,767 - 2,100	8,000 min.
Gross Floor Area (s.f.)	4,315	23,312	No max.
Lot Coverage (%)	11%	32%	40% max.
Floor Area Ratio (FAR)	11%	63%	No max.
No. of Units	0	10	10 max.
Density (units/acre)	N/A	12 units/acre	12 max.
Meets 75% min?	N/A	Yes	9 min.
Bedrooms/Unit	N/A	3 bedrooms/ 2 units 4 bedrooms / 8 units	---
Unit Sizes including garage (s.f.)	N/A	2,096 -2,330	N/A
Lockable Storage/Unit			300 cu. ft. min.
No. of Buildings On-Site	1	4	---
Distance Between Buildings	N/A	20' min	10' min.
Building Height (ft.)	Approx. 22'	26'6" - 28'6"	30" max.
No. of Stories	1	2	2 max.
Setbacks (facing prop.)			
• Front	51'	25'4" to 30'4"	20' min.
• Left Side	69'	9'8"	4' min. (12 ft. combined)
• Right Side	22'	9'8"	8' min. (12 ft. combined)
• Rear	103'	9'8" - 17'	20' min.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
Landscaping (sq. ft.)			
• Total Landscaping	Approx. 9,000	9,240	8,500 min.
• Landscaping/Unit	N/A	924	850 min.
• Usable Open Space/Unit	N/A	786	500 min.
• Frontage Width (ft.)	N/A	25' to 30'	15 ft. min.
• Parking Lot Area Shading (%)	N/A	71%	50% min. in 15 years
• Water Conserving Plants (%)	N/A	70%	70% min.
Parking			
• Total No. of Spaces	30	27	27 min.
• No. of Standards	30	7	7 min.
• No. of Compacts / % of total	0	0	35% of uncovered in lots of 10+ spaces (max.)
• No. of Accessible	0	2	1 min.
• No. of Covered Spaces	0	20	10 min.
• Driveway Aisle Width (ft.)	24	24	20 min.
• Bicycle Parking	0	6 (Class 2)	4 min (Zoning Req.) / 3 (Class 1) + 4 (Class 2) min. (VTA Guideline)

★ - Requested deviation

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1963-0002	Plan Approval for Church	Planning Commission/ Approved	2/12/63
1962-0068	Variance for side yard setback	Planning Commission/ Approved	10/22/62

The City of Sunnyvale lists this property as a Heritage Resource; however, the applicant has submitted information regarding the date of when the building was constructed (1956). Staff has concluded that the structure does not qualify as a Heritage Cultural Resource or Local Heritage Landmark as it does not meet the 50-year threshold to qualify the structures as historic according to State criteria. The Heritage Preservation Commission is not required to take an action regarding this structure. For more information regarding how this property relates to the requirements and criteria of the City's Heritage Inventory, reference page 19 and 20 of Attachment 3.

Description of Proposed Project

The proposed project is for the development of 10 townhouses located on a lot where a church currently exists. The project proposal includes a Rezone of the site from R-2 (Residential Low-Medium Density) to R-2/PD (Residential Low-Medium Density/Planned Development), and Special Development Permit to demolish the existing church and allow ten multi-family units. The proposal includes a Tentative Map to subdivide the lot into ten lots and one common lot.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment 3, Initial Study).

The recommended mitigation measures relate to the noise impacts that are generated due to the close proximity to the railroad. The mitigation measures

include the construction of solid wood fences near Units 1 and 10 and special window installation for each unit. Additionally, specific wall assembly between attached residential units will mitigate any interior noise levels. These mitigation measures are included in the Mitigated Negative Declaration and Condition of Approval #11.

Rezoning

Change Under Consideration: Rezone from R-2 (Low-Medium Density Residential) to R-2/PD (Low-Medium Density/Planned Development).

Objective: This Rezoning request is being made to allow the applicant to concurrently apply for a Special Development Permit (SDP) to construct the proposed 10-unit townhouse units. The purpose of the Planned Development Combining District is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations.

Discussion: The PD Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The PD Combining District provides flexibility in formulating a project that promotes transition and reinvestment of the neighborhood and in allowing townhouse-style ownership housing.

Special Development Permit

Use: The proposed project involves the demolition of the existing church and the development of ten townhouse units. The project includes one unit at below market rate.

Site Layout: The subject site is located at 127 North Sunnyvale Avenue. The site is surrounded by various uses including an auto repair shop to the south and single family homes to the north and west. Commercial uses border the property at the south and west corner of the property. The Northrop Grumman site is located east of the subject site across North Sunnyvale Avenue.

The applicant proposes two 2-unit buildings located along the western side of the property facing towards North Sunnyvale Avenue. Additionally, two buildings containing three units are separated by a new private street located within the middle of the site. These two buildings would face the private street. The proposal includes landscaping along the perimeter and within the interior of the site along the street and parking areas. The proposal would meet all setback requirements of the R-2 Zoning District with the exception of second-story rear yard setback which range from 9'8" to 17 feet at various locations for the individual units. The project proposes substandard lot sizes in order to provide the land and house for sale.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>Site Design B9. Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.</i>	The proposed project offers private open space to each unit with internal circulation through a private street. Landscaping located throughout the site provides for an attractive overall streetscape. Units 1 and 10 incorporate an enhanced elevation facing North Sunnyvale Avenue.

Floor Plan: The proposed project offers two different floor plans. Eight units offer 1,676 square feet of living area, plus a 420 square foot two-car garage (2,096 s.f. total) while two units contain 1895 square feet, plus a 435 square foot two car garage (2,330 s.f. total). The smaller units offer three bedrooms and two and a half bathrooms while the larger units contain four bedrooms and two and a half bathrooms. The bedrooms are located on the second floor for each style of unit. (See Attachment #4, page 3 and 4 for more detail)

Architecture: The proposed architecture includes hipped roof and gabled second story elements throughout each style of home. The townhouse buildings will include stucco siding and 50-year dimensional composition roof material. The units will utilize varying shades of green and beige on each elevation. Two different models of homes are proposed for this project. The proposed buildings range from 26'6" to 28'6" in height which meets R-2 Zoning standards for height. (Proposed elevations are located in page 5 and 6 of Attachment #4)

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>C9. Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.</i>	The proposed architecture includes various attractive elements including changes in wall plane, and window shape and trim.

Landscaping: Residential uses within the R-2 Zoning District are required to provide a minimum of 850 sq. ft. of landscaping and 500 sq. ft. of usable open space per unit. The project meets that requirement with private open space (786 sq. ft. per unit) in either the front or rear of each unit. The site also has adequate landscaped area with 9, 240 total sq. ft. or 924 sq. ft. per unit.

Sunnyvale Municipal Code 19.38.070 requires that a fifteen foot landscaped frontage be provided on site. This area may include sidewalks and be crossed by access drives and parking areas. The project meets this requirement with 30 feet for a majority of the frontage tapering to 25 feet at a portion of the site (Lot 10).

The site contains two trees that are considered significant by Sunnyvale Municipal Code Section 19.94. These two trees, cedar and oak, will be preserved as proposed by the applicant. A tree protection plan will be included in the plans submitted for building permits as noted in Condition of Approval #32(a). As shown on the site plan, the applicant has designed the private access street around the significantly sized oak tree. Five trees that are not considered significant, by Sunnyvale Municipal Code, will be removed including two that have either fallen or are considered dead. The applicant has proposed 30 new trees of varying species and shrubs throughout the site. A landscape plan is required prior to approval of building permits (Condition of Approval #32).

The following Guidelines were considered in analysis of the project landscaping.

Design Policy or Guideline (Landscape)	Comments
<i>A4. Properly landscape all areas not covered by structures, driveways, and parking.</i>	The site meets the total landscaping requirement for each unit and will provide 30 additional trees throughout the site.
<i>B1. Provide a minimum of a 15 ft. wide landscape strip along the public street side of all developments, except for single family residences (Section 19.46.50c). Landscape strips of more than 15 ft. are strongly encouraged to enhance public streetscape.</i>	The project site meets this requirement and provides more than 25-30 ft. along the eastern frontage of the site.

Parking/Circulation: Access to the site is located at the center of the eastern property line along North Sunnyvale Avenue. The access road runs through the middle of the site and splits north and south to allow access to units 4 – 7.

The parking requirement is based on the number of bedrooms per unit and proposed style of covered parking. Eight units provide four bedrooms while two units contain three bedrooms. The proposed project meets parking standards with 27 spaces (20 covered + 7 guest spaces). Each unit provides a two car garage. One accessible parking space is provided as required. Units 1 and 10 provide driveway area that can accommodate parking for two additional vehicles (not included as part of the required 27 spaces). The proposed project offers six spaces for bicycle parking (Class 2) located near the entrance to the site.

# of Units	Required Guest Parking w/ Two-Car Garage	# of spaces provided
Two (3-bedroom)	.5 x # of units (2)	1
Eight (4 bedroom)	.65 x # of units (8)	5.2 (6)

Easements/Undergrounding: An eight foot public utility easement will be located along the eastern portion of the site facing North Sunnyvale Avenue. Per Condition of Approval #27, all utilities shall be placed underground.

Tentative Map

General: The tentative map proposes the subdivision of the existing parcel into ten lots, plus one common lot. The proposed parcels do not meet the required minimum lot size (8,000 sq. ft.) or the established frontage requirement (76 ft.) for parcels in the R-2 Zoning District. The proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configuration are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern. Therefore, staff supports the requested deviations in minimum lot size and street frontage.

Access: The townhouse units are provided access through the use of a private street that runs through the middle of the site. An access drive is provided for entering and exiting of the site to North Sunnyvale Avenue.

Staff recommends requiring the formation of a homeowner's association and CC&R's allowing the joint use of the private street, the guest parking spaces, common landscaping areas and common lot.

Park In-Lieu Fee: The developer will be required to pay Park In-lieu fees prior to approval of the Final Map by the Director of Public Works (See Tentative Map Planning Division Condition of Approval #6).

Transportation Impact Fee

This project is subject to the Transportation Impact Fee for the net increase of ten residential units. Condition of Approval #42 requires compliance with the traffic impact fee to be paid prior to approval of building permits.

Compliance with Development Standards

The proposed project complies with most development standards for the R-2 Zoning District with the exception of lot site and width.

Requested Deviation	Justifications
<ul style="list-style-type: none">• Lot sizes of less than 8,000 sq. ft.	<ul style="list-style-type: none">• Increase the opportunity for home ownership.• Recognizes existing lot constraints and siting options.• The project includes a variety of architectural features including changes in color, wall plane, window shapes, and varying detail and trim, which provide visual interest and maintain residential character.
<ul style="list-style-type: none">• Lot widths of less than 76 ft.	
<ul style="list-style-type: none">• Lot frontage on a public street	
<ul style="list-style-type: none">• 20 foot second story setback for individual units (range from 9'8" to 17 feet)	

Expected Impact on the Surroundings

The visual impact of ten units at this location will be significantly different to the surrounding area than the existing building that had occupied the site for slightly less than 50 years. Staff believes the proposed project will enhance the view from the street and neighboring properties. The proposed project will allow for less impervious surface with increased landscaping. The proposed development complies with most R-2 Zoning standards. Staff believes the new residential use of the site is keeping with the General Plan for the area. Noise impacts from surrounding area can be mitigated through implementation of measures recommended in the conditions of approval. With the conditions recommended by staff, the project will have a positive impact to the surrounding neighborhood.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to 40 property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone from R-2 to R-2/PD the site and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Draft Rezoning Ordinance

General Plan Goals and Policies

Housing and Community Revitalization Sub-element

Policy A.2 *All new residential developments should build at least 75 percent of the permitted density.*

The proposal meets this goal with twelve new housing units.

Goal D *Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

The project provides an additional ownership opportunity within a multi-family style of residential development.

Goal E *Maintain and increase housing units affordable to households of all income levels and ages.*

The site provides one Below Market Rate (B.M.R) unit.

Land Use and Transportation Element

Policy N1.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

The development provides an additional ten housing units where a church currently exists. The project site is situated between various uses including commercial, industrial and residential uses. The site is within close proximity to the Sunnyvale Caltrain station.

Action 1.4.2 *Site higher density residential development in area to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and the transportation system are minimal*

The site provides a transition from varying commercial and industrial uses to the south and east, and single family residential uses to the north and west. The townhouse style is a more common form of housing found within the R-2 Zoning District.

Community Design Sub-Element

Policy C.4: Encourage quality architectural design which improves the City's identity, inspires creativity and heightens individual as well as cultural identity.

The proposed architecture incorporates high quality design and significantly improves the visual appearance of the site.

Recommended Findings - Rezone

The Planned Development Combining District is appropriate according to the guidelines adopted by City Council as the Combining District:

- Facilitates development or redevelopment of a site to improve the surrounding neighborhood.
- Allows for a proposed use that is compatible with the neighborhood but requires deviations from the development standards for a successful project.

Staff recommends the Rezoning of the site from R-2 to R-2/PD.

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The proposed project will create 10 additional townhouse style ownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted number of residential units. The neighborhood is predominately multi-family townhouse style housing. The building design and architecture will enhance the neighborhood.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the multi-family residential style of units will be a more compatible use to the area. Proposed architectural and landscaping modifications will greatly enhance the appearance of the site.

Recommended Findings - Tentative Map

Staff is able to make the findings that the Tentative Map, with the conditions of approval, is in conformance with the Sunnyvale Municipal Code and recommends approval of the map as attached.

However, the approving authority shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of any building permits.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Specific Deviations allowed with this Special Development Permit are as follows:
 - a. Individual lot sizes.
 - b. Individual lot widths.
 - c. Lot frontage on a public street.
 - d. Second story rear yard setback for individual lots.
7. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.

8. The development of the site is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs) and shall be incorporated into its design to the extent feasible.
9. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
10. Construction activity is permitted between the hours of 7am to 6pm. Weekdays, 8am to 5pm on Saturdays. There shall be no construction on Sundays or National holidays.

Mitigation Measures

11. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts. All mitigations are to be completed by the developer prior to occupancy.
 - a. Windows facing south and east shall have a minimum STC rating of 27 dB. Windows facing other directions could have lower STC ratings as long as they are double-glazed.
 - b. Residential doors leading to the outside on the south or east sides, including any sliding glass doors on balconies, shall meet an STC rating of 27 to match the overall noise mitigation criteria.
 - c. Mitigation of outside noise is based upon windows that are closed in order to provide the required noise protection. Therefore, all units, particularly those units nearest to the sources producing the worst noise levels (as defined in the consultant's report) must have a ventilation system that provides a habitable interior environment with the windows closed.
 - d. Two townhouse units (#1 & #10) that are located directly adjacent to North Sunnyvale Avenue, and would have outdoor noise levels above 60 dB. A solid wood fence at least 5 feet in height enclosing the back yards of both units would provide the needed protection and reduce back yard noise levels to less than 58 dB Ldn.

Below Market Rate Units

12. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.

13. The project will provide two Below Market Rate ownership dwelling units in compliance with SMC 19.66.
14. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
15. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
16. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
17. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
18. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
19. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
20. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
21. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
22. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.

23. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
24. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefore shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)
25. Pay an in-lieu BMR fee of an amount determined by SMC 19.66.090 (developments consisting of 9-19 units only).

Utilities

26. Any transformers placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
27. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

Homeowners Association

28. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
 - a. The Conditions of Approval of this Special Development Permit.
 - b. Provisions for short and long term maintenance of all three common lots, landscaping areas, recreational areas, parking, driveways, and utility connections.
 - c. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
29. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common faculties and shall obtain approval from the Director of Community Development prior to

any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

Building Design

30. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
31. Roofing materials and colors shall be approved by the Director of Community Development prior to issuance of the Building Permit.

Landscaping and Site Plans

32. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a. A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
 - b. Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - d. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - f. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - g. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

- h. All areas not required for parking, driveways or structures shall be landscaped.
 - i. Additional trees shall be planted near guest parking areas throughout the site to provide additional canopy coverage.
- 33. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
- 34. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
 - a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - c. Provide photocells for on/off control of all security and area lights.
 - d. Lights shall have shields to prevent glare onto adjacent residential properties.
- 35. Submit a decorative paving plan for the driveways and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development

Parking/Access

- 36. An easement for emergency access shall be granted to the city over the entire area of the interior street.
- 37. Garages shall be maintained at all times to allow for the parking of two automobiles.
- 38. Property owners shall maintain the garage spaces for the parking of vehicles and recreational vehicles over 18 feet in length are prohibited from being stored on site.
- 39. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.

40. The project shall provide one accessible parking space for the site.
41. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.
42. The traffic impact fee as determined shall be paid prior to approval of building permits in accordance with Sunnyvale Municipal Code Section 3.50.050
43. Install stop sign at driveway exit.

Recommended Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$6,738.19 per unit shall be paid in accordance with MCS 18.10

B. Building Safety Division

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all septic tanks and irrigation systems in accordance with Building Safety regulations.

C. Public Works

1. Record a Final Map.
2. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to

occupancy. Plans shall be approved by the Department of Public Works.

3. Connect to all City utilities or private utilities operating under a City franchise which provides adequate levels of service.
4. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
5. The on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
6. Individual water services and meters shall be provided to each lot.
7. Construct all public improvements prior to occupancy.
8. Existing and proposed on-site and street frontage electrical, telephone and cable TV services shall be placed underground or removed prior to occupancy (MC 19.46.060).
9. Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements (MCS 12.08.020).
10. Developer shall enter into a Subdivision Agreement and post bonds for all off-site work prior to action on Final Tract Map.
11. Dedicate public utility easements at lot frontages as required by the utility companies.
12. Installation of the water system shall conform to City standards and shall be part of the City (or franchised utility) system up to the master water meter serving the project. The water system shall be privately owned and maintained beyond the meters.
13. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction to the Director of Public Works prior to issuance of any permits.

D. Fire Prevention

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(l); UFC 1982 Edition).

2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

E. Other Public Agencies

1. Pay School Tax fees prior to issuance of a Building Permit.